

Remarks/Arguments

Applicants have received and carefully reviewed the Office Action of the examiner mailed February 13, 2004. Claims 1, 32, and 36 have been amended and new claims 44-47 have been added. Support for the amendments and new claims is found in the specification and claims as originally filed at, for example, page 5, line 10 through page 6, line 19, and Figures 1 and 2. Claims 1-8 and 32-47 are pending. Reconsideration and reexamination are respectfully requested.

In paragraph 3 of the Office Action, the Examiner rejected claims 1 and 32 under 35 U.S.C. §103(a) as being unpatentable over Gamow (US 5,398,678). In paragraph 4 of the Office Action, claims 2-4 and 33-35 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gamow in view of Mulcahy. In paragraphs 5-7 of the Office Action, claims 2-8, 33-43 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gamow in view of the Applicants' admitted state of the art. Applicants respectfully traverse these rejections.

Independent claim 1 recites a building having air supply and return ducts comprising a room having openings to accommodate the building air supply and return ducts, an oxygen source, and a carbon dioxide scrubber. The room is substantially sealed off from the air supply and return ducts.

The hyperbaric chamber of Gamow does not have openings to accommodate the air supply and return ducts of the building, nor does Gamow contemplate such features. The chamber of Gamow merely has an inlet for the oxygen tank and an exit port for venting excess pressure. These ports are not designed to connect to a building's air supply and return ducts as defined in the instant specification. The chamber of Gamow is not intended to be connected to a building, but is designed to be light, compact, and portable, and to stand alone. See column 10, lines 62-68. Because Gamow specifically teaches his chamber as having advantages due to its portability, there is no motivation for one to modify the chamber to be connected to a building. Gamow teaches away from such modification, which would destroy the advantages of the portable chamber. Gamow fails to teach the limitations of independent claim 1, and similarly fails to teach the limitations of the claims dependent thereon. The addition of the Mulcahy reference does

not provide what Gamow lacks. Additionally, there is no motivation to combine the references because Gamow specifically teaches a lightweight, portable chamber without any plumbing fixtures, while Mulcahy is directed to a device to be used with an existing plumbing fixture, such as a toilet. Adding a plumbing fixture to the chamber of Gamow would destroy the key feature of portability.

Independent claim 32 recites a building having air supply and return ducts connected to an HVAC system, and an enclosure with one or more air supply and/or return ducts connected to the HVAC system. The enclosure has a means for sealing off the ducts, and means for providing oxygen to and removing carbon dioxide from the air in the enclosure. Gamow does not teach or suggest such features. As stated above, the chamber of Gamow is specifically designed to stand alone and be light and portable. Thus, Gamow does not teach or contemplate an enclosure with air ducts connected to a building's HVAC system. As Gamow fails to teach the limitations of independent claim 32, the reference also fails to anticipate the claims dependent thereon. As stated above, there is no motivation for one of skill in the art to combine the teachings of Gamow with those of Mulcahy, as such a combination would destroy key features and advantages of Gamow's portable chamber.

Independent claim 36 recites a building with air supply and return ducts and an enclosure having walls defined by the building. The building also includes an air revitalizing device adapted to remove carbon dioxide from and provide oxygen to air in the enclosure. Gamow fails to teach or suggest such a building. As stated above, one of the key features of Gamow's chamber is its portability. Thus, there is no motivation for one to modify Gamow to have its walls defined by the walls of a building.

Additionally, Applicants submit that there is no motivation for one to modify the chamber of Gamow by substituting an air revitalizing device for the oxygen tank taught by Gamow. One of the features of Gamow's chamber is the internal pressure created and maintained by adding pressurized oxygen. See column 14, lines 33-41. It appears that in all embodiments, Gamow teaches a separate pressurized oxygen source and CO₂ removal device, such as the lithium hydroxide pads. Because the device of Gamow appears to require a constant internal pressure in order to maintain the chamber in an inflated state,

substituting an air-revitalizing device such as that recited in claim 36 would require an additional inflation means. Adding another inflation means would go against the basic teaching of Gamow to achieve a lightweight, portable chamber. Thus, not only is there no motivation for one to modify Gamow's device to achieve the instantly claimed device, but Gamow actually teaches away from such a modification.

Claims 4, 34, 35, and 41 recite the room having a plumbing fixture having a water trap and the oxygen generator exhaust tube exiting the room through the water trap. The Examiner asserts that it would have been obvious to add a such a plumbing fixture, as taught by Mulcahy, to the chamber of Gamow in order to exhaust the unused oxygen from the atmosphere. The only reasonable motivation for making such a modification to the chamber of Gamow comes from Applicants own specification. As stated above, Gamow's chamber is specifically designed to be light and portable. Adding a plumbing fixture such as the toilet taught by Mulcahy would destroy the portability specifically desired by Gamow.

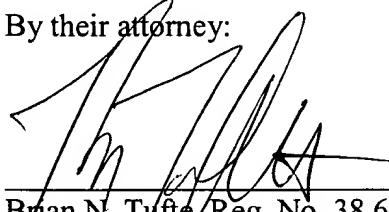
Additionally, there is no reason for making such a modification because Gamow states that his chamber is designed for short-term use and has a maximum treatment duration of 6 hours. See Gamow column 17, lines 63-65. While Gamow states that the duration could be extended by adding more LiOH pads and oxygen bottles, the fact remains that the chamber of Gamow is designed to be lightweight and portable and is for temporary use. Additionally, Gamow's chamber already has a means for venting excess pressure by the exit port 12. Thus, there is no motivation or suggestion to modify the chamber of Gamow to include a toilet and accompanying apparatus as taught by Mulcahy, and additionally, such modification would destroy the advantages specifically taught and desired by Gamow. Withdrawal of the rejections is respectfully requested.

Reconsideration and reexamination are respectfully requested. It is believed that all pending claims, namely claims 1-8 and 32-47, are in condition for allowance. Issuance of a notice of allowance in due course is respectfully requested. If a telephone conference would be of assistance, please contact the undersigned attorney at 612-677-9050.

Respectfully Submitted,

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